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MAY 11 2011

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

May 4, 2011

Henry Jennings, Director
Board of Pesticides Control
#28 State House Station
Augusta, ME 04333

RE: Review of the Board of Pesticides Control

Dear Director Jennings:

We are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry will be reviewing the Board of Pesticides Control pursuant to the Government Evaluation Act, Title 3 of the Maine Revised Statutes, chapter 35.

Pursuant to that law, the Committee respectfully requests that the Board prepare a program evaluation report and submit the report to this committee no later than November 1, 2011. Title 3, section 956 provides a list of information to be included in the evaluation report. Please review each item and advise us if any item is not applicable to the duties and responsibilities of the Board and this committee's oversight.

We will begin our review of the Board of Pesticides Control no later than February 1, 2012, as provided in law, and we anticipate submitting our findings, administrative recommendations and implementing legislation to the Legislature no later than March 15, 2012. We look forward to working with you on this review process. Please feel free to contact one of us or our committee staff if you have questions about the process.

Sincerely,

Handwritten signature of Roger L. Sherman in cursive.

Sen. Roger L. Sherman
Senate Chair

Handwritten signature of Peter E. Edgcomb in cursive.

Rep. Peter E. Edgcomb
House Chair

cc: Walter E. Whitcomb, Commissioner, Department of Agriculture, Conservation and Forestry
Patrick T. Norton, Director, Office of Policy and Legal Analysis

3 §956. PROGRAM EVALUATION REPORT

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1. Report required. Each agency and independent agency shall prepare and submit to the Legislature, through the committee of jurisdiction, a program evaluation report by a date specified by the committee.

[1995, c. 488, §2 (NEW) .]

2. Program evaluation report; contents. Each report must include the following information in a concise but complete manner:

A. Enabling or authorizing law or other relevant mandate, including any federal mandates; [1995, c. 488, §2 (NEW) .]

B. A description of each program administered by the agency or independent agency, including the following for each program:

(1) Established priorities, including the goals and objectives in meeting each priority;

(2) Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and

(3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives; [1995, c. 488, §2 (NEW) .]

C. Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility; [1995, c. 488, §2 (NEW) .]

D. Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation; [1995, c. 488, §2 (NEW) .]

E. Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years; [1995, c. 488, §2 (NEW) .]

F. When applicable, the regulatory agenda and the summary of rules adopted; [1995, c. 488, §2 (NEW) .]

G. Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements; [1999, c. 661, §1 (AMD) .]

H. Identification of the constituencies served by the agency or program, noting any changes or projected changes; [1995, c. 488, §2 (NEW) .]

I. A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives; [1995, c. 488, §2 (NEW) .]

J. Identification of emerging issues for the agency or program in the coming years; [1999, c. 661, §1 (AMD) .]

K. Any other information specifically requested by the committee of jurisdiction; [2001, c. 321, Pt. A, §1 (AMD) .]

L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program; [2001, c. 495, §1 (AMD) .]

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; and [2001, c. 495, §2 (AMD) .]

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- (1) The statutory authority for each filing requirement;
- (2) The date each filing requirement was adopted or last amended by the agency;
- (3) The frequency that filing is required;
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication. [2001, c. 495, §3 (NEW) .]

[2001, c. 495, §1-3 (AMD) .]

SECTION HISTORY

1995, c. 488, §2 (NEW). 1999, c. 661, §§1,2 (AMD). 2001, c. 321, §§A1-3 (AMD). 2001, c. 495, §§1-3 (AMD) .

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